

REMARKS

This is in response to the Final Office Action mailed October 7, 2008. A two (2) month Petition For Extension Of Time is filed herewith. Accordingly, the time period for response is extended up to and including March 7, 2009 (since that date falls on a Saturday, the period for response extends to the following Monday, March 9, 2009). Applicants wish to thank Examiner for the Examiner's careful review and consideration of this application.

In the subject Action, claims 1-5 and 8 were rejected. Applicants have amended claims 1-4 in order to more clearly claim Applicants' invention. Claim 8 has been cancelled above without prejudice or disclaimer (it being noted that the subject matter of claim 8 has been generally included in claim 1), while claims 6 and 7 were previously cancelled without prejudice or disclaimer. New claim 9 is added. All of the amendments and new claim are fully supported by the specification, drawings and claims as originally filed. Claims 1-5 and 9 are now pending in the present application.

In light of the foregoing amendments and the following remarks, Applicants respectfully request withdrawal of the pending rejections and advancement of this application to allowance.

Interview Summary

On February 24, 2009, Applicants' Attorney below conducted an interview with the Examiner to discuss the §103 rejection of claim 1 and the Lim et al. reference. No agreement was reached.

Drawings

At paragraph 1 of the subject Action, the drawings were objected to for not showing every feature of the invention specified in the claims. More specifically, the Office Action states that the "elastically deformable anchoring system" must be shown or the feature(s) cancelled from the claim(s). Applicants respectfully traverse the objection.

Applicants respectfully note that the "elastically deformable anchoring system" is illustrated by the designation numeral 6, shown in Figures 1-3 and 5. The corresponding description may be found at least at page 3 from line 17 to line 20 of the originally filed specification. For example, the specification discloses that the support 4 is constituted of a

platform in which an elastically compressible and deformable member or system 6 is fixed. The specification continues by describing that the member can consist of one or several silentblocks in one or several shock absorbers, and/or of springs etc., with adjustable and programmable deformation capacity to limit the swinging angle.

In view of the above, the drawings include the “elastically deformable anchoring system” and withdrawal of the objection is requested.

Specification

At paragraph 2 of the Action, the disclosure was objected to for two informalities. First, the Office Action requested that the phrase “means for supporting” in line 2 of the Abstract be replaced. Second, the phrase “same section” on page 3, line 25 should be amended to “same cross section.” Applicants have made these changes, and so request withdrawal of the objections.

Claim Objections

Next, at paragraph 3, claims 1 and 2 were objected to for two informalities. Specifically, the Examiner requested that the word “belts” in claim 1, line 2, be changed to “belt” and that the word “shaft” in claim 2, line 2, be replaced with “the vertical column.”

Applicants have amended claim 1 by deleting “belts”. Claims 3 and 4 have also been amended by deleting “belts”. Applicants have amended claim 2 by changing “a shaft” to --the vertical column--.

Rejections under § 112

At paragraphs 4 and 5 of the Office Action, the Examiner raised several § 112 issues. First, the Examiner noted that claim 4 was rejected under § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

With regard to claim 4, the Office Action states that, “the specification does not disclose how “specific road traffic conditions” is produced. For example, how is an uphill terrain reproduced?” Applicants respectfully note that the originally filed specification discloses that the rotating rollers have means for controlling their resistance to rotation, by means of a computerized motor-brake, for the purpose of being able to offer and obtain different traffic

conditions. See Specification, e.g., p. 2, ll. 17-19. In other words, a specific road traffic condition is reproduced by controlling the rollers' resistance to rotation. For example, when increasing the rollers or belts' resistance to rotation by the computerized motor-brake, an uphill terrain may be reproduced. Applicants also note that claim 4 has been amended to more clearly recite Applicants' invention, and Applicants respectfully request reconsideration and withdrawal of the rejection of claim 4.

Second, the Examiner noted that claims 2 and 8 were rejected under § 112, second paragraph, as being indefinite. Specifically, the Office Action states that there is insufficient antecedent basis for the limitations of "the transverse bars" in line 4 of claim 2, and "the central support is connected to a pedal set casing" in claim 8. Applicants respectfully traverse the rejection.

With regard to claim 2, Applicants respectfully note that "transverse bars" is recited in claim 1 from which claim 2 depends. Therefore, there is sufficient antecedent basis for the limitation of "the transverse bars" in claim 2. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2.

With regard to claim 8, Applicants have cancelled claim 8 above, and so such rejection is now believed to be moot.

It is noted that the amendments discussed in this and the preceding sections were not made to overcome an art based rejection. Accordingly, such amendments should not be construed in a limiting manner.

Rejections under § 103

The Examiner also made the following §103 obviousness rejections:

- Claims 1, 3, and 8 – Kim (U.S. Patent 4,925,183) in view of Lim et al. (U.S. Patent 6,322,480);
- Claim 2 – Kim in view of Lim and in further view of Byrne (D273,882);
- Claim 4 – Kim in view of Lim in further view of Ewert (U.S. Patent 6,004,243); and
- Claim 5 – Kim in view of Lim and in further view of Yamasaki et al. (U.S. Patent 5,547,382).

Applicants respectfully traverse these rejections.

Kim does not disclose or suggest each element recited in Applicants' claim 1. First, Kim does not disclose a front and a back roller that engage the front and rear wheels of the bicycle. Instead, Kim discloses a belt with a plurality of rollers supporting the belt. Second, Kim does not disclose apparatus where the bicycle rests on the vertical column support and is not fixedly connected to the framework. Instead, the connection shown in Figs. 9-11 of Kim discloses a fixed connection to the bicycle crank. Applicants' note that there are advantages flowing from their apparatus and that a fixed connection as disclosed in Kim reduces the real world feel of the bicycle when it is on the trainer and does not allow for rapidly placing the bicycle on and off the training bench. Third, the connection disclosed in Figs. 9-11 of Kim does not control the movement of the bicycle with regard to the platform and the framework.

Lim et al. does not overcome the deficiencies of Kim. More specifically, Lim et al. does not disclose front and a back rollers that engage the front and rear wheels of the bicycle; apparatus where the bicycle rests on the vertical column support and is not fixedly connected to the framework; and/or controlling the movement of the bicycle with regard to the platform and the framework. Instead, Lim et al. merely discloses that springs may be used for a "swinging effect" of an indoor bicycle. The springs do not control the movement as currently recited in Applicants' claim 1.

Further, the combination of Kim and Lim et al. is improper since the teachings of the two references are at odds with one another and Applicants' invention does not result therefrom. In Kim, the bicycle is fixedly attached to part of the device, but may allow the bicycle to lean. On the other hand, Lim et al. discloses an indoor bicycle having an up and down 'swinging effect' created by the springs. Neither reference discloses or teaches how a bicycle may be supported on a training bench with side to side movement controlled and/or limited.

In view of the above, claim 1 is patentable over Kim in view of Lim et al. Claim 3 depends from claim 1 and claim 8 has been cancelled. Withdrawal of the rejection is requested.

With respect to the other §103 rejections, claims 2, 4 and 5 depend from claim 1 and include further limitations. Bryne, Ewert and Yamasaki et al. do not overcome the deficiencies identified above with respect to Kim and Lim et al. – either alone and/or in combination. Therefore, withdrawal of all of the §103 rejections is requested.

Applicant does not otherwise concede the correctness of the Examiner's rejections and reserves the right to make additional arguments as may be necessary.

Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and allowance of all of the currently pending claims. Should Examiner have any remaining questions or concerns, Examiner is urged to contact the undersigned attorney at (612)336.4755 to discuss the same.

Additionally, the Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,
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